

SIKKIM



GOVERNMENT

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**GOVERNMENT OF SIKKIM
DEPARTMENT OF FOREST, ENVIRONMENT & WILDLIFE MANAGEMENT
GANGTOK**

NOTIFICATION

NO. GOS/FEWMD/PR.SECY-cum-PCCF/224

Dated: 22.09.2016

In exercise of the powers conferred by clause(h) of sub-section(2) of section 83 of the Sikkim Forests, Water Courses and Road Reserve (Preservation and Protection) Act, 1988 (6 of 1988), the State Government hereby makes the following rules further to amend the Sikkim Forest (Allotment of Areas for Quarrying of Sand and Stone) Rules, 2006 namely:-

1. (1) These rules may be called the Sikkim Forest (Allotment of Areas for Quarrying of Sand and Stone) Amendment Rules, 2016.
- (2) They shall extend to the whole of Sikkim.
- (3) They shall come into force on the date of their publication in the Official Gazette.

Amendment of rule 2 2. In the Sikkim Forest (Allotment of Areas for Quarrying of Sand and Stone) Rules, 2006 hereinafter referred to as "the said rules", in the rule 2, after clause "(b)", the following new clause shall be inserted, namely:-

"(ba) "DEAC" means the District Level Expert Appraisal Committee constituted under sub-section (3) of section 3 of the Environment (Protection) Act, 1986 (29 of 1986) and in pursuance of the notification of the Government of India in the erstwhile Ministry of Environment and Forests, number S.O. 1533 (E), dated the 14th September, 2006.

"(bb) "DEIAA" means the District Level Environment Impact Assessment Authority constituted under sub-section (3) of section 3 of the Environment (Protection) Act, 1986 (29 of 1986) and in pursuance of the notification of the Government of India in the erstwhile Ministry of Environment and Forests, number S.O. 1533(E), dated the 14th September, 2006.

“(bc) “District Survey Report” means a report to be prepared as described in the notification of the Government of India in the Ministry of Environment, Forests and Climate Change, number S.O. 141(E) dated 15th January, 2016.

Amendment of rule 4 3. In the said rules, for the existing rule 4, the following shall be substituted namely:-

“4. An assessment shall be made of the potential sites as identified in the District Survey Report that can yield sufficient quantities of produce sustainable for atleast one year in the month of August-September each year for the purpose of granting environmental clearance.”

Amendment of rule 5 4. In the said rules, in rule 5:-

- (1) for the marginal heading “Committee to be constituted”, the marginal heading “DEAC to assess sites” shall be substituted,
- (2) after the words “shall be made by”, the following shall be substituted namely:-

“DEAC consisting of the following members, namely:-

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|-----|---|---|---------------------|
| 1. | Divisional Engineer, Irrigation Department | : | Chairman |
| 2. | Assistant Conservator of Forest(Territorial),
Headquarter in the District | : | Member |
| 3. | Deputy Director, Mines and Geology Deptt. | : | Member |
| 4. | Medical Officer to be nominated by the
District Collector of the District | : | Member |
| 5. | Assistant Engineer from Zilla Parishad of the District | : | Member |
| 6. | Scientific Officer, State Pollution Control Board | : | Member |
| 7. | Divisional Forest Officer (Environment & Soil
Conservation) in the District | : | Member |
| 8. | Assistant Director, Fisheries Department
in the District | : | Member |
| 9. | Assistant Engineer, Water Security &
Public Health Engineering Department | : | Member |
| 10. | Assistant Engineer (SPWD), Roads and
Bridges Department at Headquarter of the District | : | Member |
| 11. | Senior Geologist, Mines and Geology Department
for North & East District | } | Member
Secretary |
| 12. | Senior Mining Engineer, Mines & Geology
Department for South & West District” | | |

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| Amendment of rule 6 | 5. | In the said rules, in rule 6, in the marginal heading, for the word “committee”, the word “DEAC” shall be substituted. |
| Insertion of new rule 6 A | 6. | <p>In the said rules, after rule 6, the following new rule shall be inserted, namely:-</p> <p style="padding-left: 40px;">“6A. Environmental Clearance to be granted</p> <p style="padding-left: 40px;">The DEAC shall, after assessing each potential site, forward its comments to the DEIAA within 2(two) weeks of the receipt of the proposal which shall, based on the comments of DEAC, grant environmental clearance within 2(two) weeks as provided in the Environment Impact Assessment Rules, 2006 if the area of the site is below 5(five) hectares and forward the same to the division.</p> <p style="padding-left: 40px;">Provided the DEIAA may refuse to grant environmental clearance if in its view the quarrying of sand or stone in any area will have undesirable environmental impact”.</p> |
| Substitution of rule 7 | 7. | <p>In the said rules for the existing rule 7A, the following new rule shall be substituted, namely:-</p> <p style="padding-left: 40px;">“7A. Environmental Clearance to be reviewed</p> <p style="padding-left: 40px;">The Conservator of Forests (Territorial) shall place the environmental clearance granted under Rule 6A before the SEIAA within 1 (one) week of the receipt of the proposal from the division for review which may forward any such clearance to the SEAC for detailed examination and advice. SEIAA shall complete its review within two weeks and remit the same to the Conservator of Forests (Territorial)”.</p> |
| Omission of rule 7 B | 8. | In the said rules, rule 7B shall be omitted. |
| Amendment of rule 8 | | In the said rules, in rule 8 for the word and figure “rule 7B”, the word and figure “rule 6A” shall be substituted. |

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